

## WHISTLEBLOWER POLICY

### POLICY

This policy is for staff and volunteers. It aims to encourage anyone to raise concerns or disclose information which an individual believes to be fraudulent, criminal or result in malpractice. All organisations face the risk of things going wrong, and Back Up believes it has a duty of care to allow staff, volunteers or service users to disclose information about itself or relevant organisations in confidence so that appropriate action can be taken to remedy the situation.

### CONTEXT

The Whistleblower Policy, as with everything we do, takes place within the context of our values:

Driven by the needs of people with spinal cord injury, we are **passionate** about transforming lives. Through **challenge** and **fun** we open up possibilities; to develop, achieve and get the most out of life. We **respect** individuality and embrace diversity. We strive for quality and **excellence** in all we do.

This policy reflects the respect paid to staff and volunteers where a difficult claim may have to be made in good faith. We understand this may be difficult to do and we want to positively encourage people to report malpractice, fraudulent or criminal activity when the claim is made in good faith.

### PURPOSE

- To provide staff and volunteers with a definition of malpractice and identify a standard of conduct required
- To provide staff and volunteers with guidance on procedures they should adopt when malpractice occurs
- To ensure that staff and volunteers respond effectively, that steps are taken to prevent further malpractice where possible and that incidents are properly recorded and investigated where necessary
- To stress that no disciplinary action will be taken against whistle-blowers in respect of claims made in good faith.
- To highlight whistle-blower protection is ensured by law - you shouldn't be treated unfairly or lose your job because you 'blow the whistle'. However, if you report your concern to the media you may lose your whistleblowing law rights.
- To clarify the timescale- a concern can be raised at any time about an incident that happened in the past, is happening now, or you believe will happen in the near future.

### WHEN IS IT WHISTLEBLOWING?

Under the Public Disclosure Act 1998 whistleblowing is where an individual raises a concern about a risk relating to others. There is no personal gain. If an individual has a concern about their employment, this is a [grievance](#). If an individual makes a [complaint](#), it is because they personally have been poorly treated. Back Up provides guidance in all circumstances.

### DEFINITION OF FRAUD, CRIMINAL ACTIVITY OR MALPRACTICE

As a whistleblower it is your right to remain anonymous (if desired and wherever possible) when a disclosure is made in good faith and is about:

- a criminal act
- a failure to comply with a legal obligation
- a danger to health and safety
- damage to the environment
- an attempt to cover up any of these
- breach of code of conduct

## **PROCEDURE GUIDANCE**

In the event of an incident or activity resulting in any of the above, it is important it is reported in a timely manner to either the line manager or any member of SMT. If it affects a senior manager or CEO, you are encouraged to contact the Chair or any trustee.

Evidence where possible will be required to support any claims. The responsible manager will deal with the issues informally or follow normal grievance or problem-solving procedures, protecting the anonymity of the claimant where a claim has been made in good faith.

The whistleblower will be kept informed of progress (without breaking confidentiality) and the outcome of the investigation.

If the whistleblower is found responsible for malicious allegations, the individual will be subject to disciplinary action.